

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL J. QUILLING,

Plaintiff,

CASE NO. 1:03-CV-236

v.

HON. ROBERT HOLMES BELL
TRADE PARTNERS, INC., et al.,

Defendants.

ORDER

On November 5, 2009, Magistrate Judge Ellen S. Carmody issued a Show Cause Order directing BP Benefits Center and Metropolitan Life Insurance Company to appear before the Court on December 1, 2009 at 10:00 a.m. (docket #1847). The Report and Recommendation issued by Magistrate Judge Carmody on January 19, 2010, indicated neither BP Benefits Center or Metropolitan Life Insurance Company appeared at the December 1, 2009 hearing (docket #1889). On January 27, 2010, Metropolitan Life Insurance Company filed objections to the Report and Recommendation (docket #1900). As stated in its objections, Metropolitan was of the understanding that the December 1, 2009 hearing had been continued to February 11, 2010. Metropolitan further states in its objections that it had not been properly served with the January 27, 2010 Report and Recommendation.

ACCORDINGLY, the Court declines to adopt the Report and Recommendation so

that the Magistrate Judge can consider the factual basis for Metropolitan's objections at the scheduled hearing on February 11, 2010.

Date: February 10, 2010

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE